



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902-3401 • (509) 575-2490

April 16, 1996

C. G. Maples
Route 3 Box 2344
Benton City WA 993209509

Dear Mr. Maples:

RE: Ground Water Application No. G4-32417 - **TEMPORARY PERMIT**

In November 1995, and February 1996, flooding in the Yakima River Basin destroyed the delivery system of the Kiona Irrigation District (KiID). The most optimistic date of system repair would be in August of 1996. As such, it is necessary that measures be taken to accommodate the hardships of valid water uses, as served by the KiID, that are likely to result from these unforeseen natural events.

The source of the proposed appropriation falls within the Yakima River Basin. The historical water rights of all surface water uses within the Yakima River drainage basin are under adjudication in Yakima County Superior Court. This adjudication may take several years to complete. The Director of the Department of Ecology has specified that during the pendency of the adjudication, water right permits will not be issued for any surface waters within the Yakima River drainage basin. **TEMPORARY PERMITS**, however, may be issued if all the requirements of the Revised Code of Washington (RCW 90.03) can be satisfied.

Report of Referee Volume 24, concerning the water rights for the KiID, and a Conditional Final Order signed by Judge Walter Stauffacher signed February 8, 1996, document Court confirmation of 23 cubic feet per second, 10,246 acre-feet per year of water from the Yakima River for irrigation from March 20 through October 31. A portion of this water recognized by the Court is authorized for use on your lands, as applied for temporary relief under the subject application, No. G4-32417.

Report of Referee Volume 24 and the subsequent Conditional Final Order signed by Judge Walter Stauffacher specified an instantaneous diversion rate of up to 23 cubic feet per second (cfs), for irrigation of 1,131 acres. This is equivalent to an instantaneous diversion rate of 0.02 cfs per acre of irrigation. The applicant requests water for the irrigation of 2.35 acres. The acreage (2.35) times the per-acre duty (0.02 cfs) would total 0.047 cfs. As the water source requested is a well, this is converted to gallons per minute (gpm) with the conversion 1 cfs equals 448.8 gpm. Thus 0.047 cfs times 448.8 equals 21 gpm.

The author used guidelines specified in the State of Washington Irrigation Guide to determine annual water duty. The applicant requests water for the irrigation of 2.35 acres of pasture, lawn, and garden. Irrigation of one acre of pasture, lawn, and garden would require

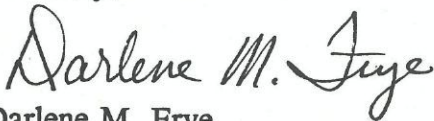
37.30 inches for a full supply to the crop type at the site location. This equates to 3.1 feet per acre each year (acre-feet per year, ac-ft/y). Additionally, sprinkler irrigation has an efficiency of 70 percent. Thus, the water duty for the irrigation of one acre of pasture, lawn and garden would be 3.1 ac-ft/yr plus the 30 percent lost in system inefficiency (0.9 ac-ft/yr), or 4 ac-ft per year per acre. In total, the annual water duty for irrigation of 2.35 acres of pasture, lawn, and garden at the site location is 9.4 ac-ft/yr.

Pursuant 90.03.390, and in accordance with the provisions of Section 90.03.250 RCW, you may consider this letter to be a **TEMPORARY PERMIT** and is subject to the following limitations and provisions:

1. The priority date of the KiID right is retained for this **TEMPORARY PERMIT**: November 8, 1889.
2. The point of withdrawal is the proposed additional point of withdrawal under Change Application No. CG4-22958C, which is located approximately 1070 feet east and 100 feet north from the S $\frac{1}{4}$ corner of Section 18, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 9 N., R. 27 E.W.M. in Benton County, Washington.
3. The point of withdrawal is a temporary change from the diversion point of the KiID system located 2,310 feet south and 2,770 feet west from the E $\frac{1}{4}$ corner of Section 9, being within the SW $\frac{1}{4}$ of Section 9, T. 9 N., R. 26 E.W.M.
4. All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells, enclosed).
5. An access port, as described in the Department of Ecology's Ground Water Bulletin No. 1, shall be installed and maintained on the well.
6. The well shall be drilled by a licensed well driller as set forth in Washington Administrative Code (WAC) 173-160-040. The driller shall take substrate samples every five feet in depth of the well. Samples shall be made available for analysis by Department of Ecology staff at the convenience of Department of Ecology staff.
7. The water is to be used for irrigation of 2.35 acres of lawn, garden, and pasture located within Lots 3 and 4 of Short Plat No. 988, being within the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 9 N., R. 27 E.W.M., Benton County, Washington.
8. The quantity of water to be withdrawn is limited to a maximum instantaneous withdrawal of 21 gallons per minute (gpm), and a maximum annual withdrawal of 9.4 acre-feet per year, between March 20 and October 31 of each year.

9. The annual quantity authorized under this temporary authorization accounts for the 70% operating efficiency of the sprinkler irrigation system at the subject property.
10. This **TEMPORARY PERMIT** is a supplemental right and shall remain valid only insofar as the primary right remains with the property and in good standing.
11. This **TEMPORARY PERMIT** shall in no manner be construed to guarantee or even imply that a final (regular) permit will issue pursuant to the subject application or a similar application filed in the future.
12. This **TEMPORARY PERMIT** shall remain in effect until midnight of April 3, 1999, or until sufficient repairs are made to the KiID delivery system to serve water, whichever occurs first. After such time, this **TEMPORARY PERMIT** shall be canceled and the application rejected unless the applicant requests, in writing, an extension of time in advance of April 3, 1999.
13. Issuance of this **TEMPORARY PERMIT** is an appealable decision under Chapter 43.21B RCW. If you would like to appeal this order and determination, you must file your appeal with the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903 within thirty (30) days of your receipt of this letter and the enclosed Preliminary Permit. A copy of your appeal must also be sent to the Department of Ecology, Shorelands and Water Resources Program, c/o Linda Pilkey-Jarvis, PO Box 47600, Olympia, Washington 98504-7600 within thirty (30) days of your receipt of this Preliminary Permit.

Sincerely,



Darlene M. Frye
Section Manager
Shorelands and Water Resources Program

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Enclosures

cc: Kiona Irrigation District